

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**8 U.S.C. Sections 1326(a) and (b) - Deported
Alien Found in the United States☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony**PENALTY:**20 years imprisonment; \$250,000 fine; 3 years supervised release
and \$100 special assessment**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State
Court, give name of court☐ this person/proceeding is transferred from another
district per (circle one) FRCrP 20, 21 or 40. Show
District☐ this is a reprosecution of
charges previously dismissed
which were dismissed on
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a
pending case involving this same
defendant☐ prior proceedings or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

AUSA Chinhayi J. Coleman

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

FRANCISCO JAVIER GUTIERREZ-TORRES

DISTRICT COURT NUMBER

CR08-0046 CW

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons
was served on above charges _____
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District) _____

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution _____

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed _____

**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS*☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: OAKLAND

UNITED STATES OF AMERICA,
v.
FRANCISCO JAVIER GUTIERREZ-TORRES,

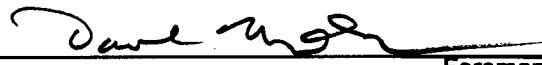
CR08-0046 CW

DEFENDANT.

INDICTMENT

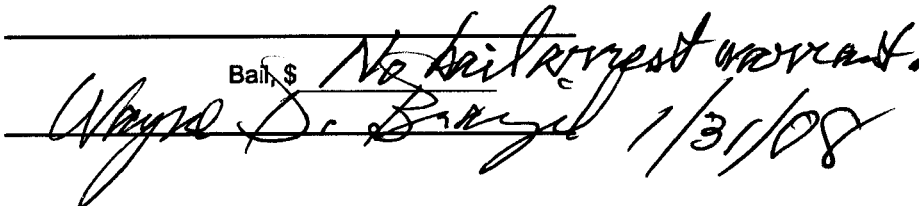
8 U.S.C. Sections 1326(a) and (b) - Deported Alien
Found in the United States

A true bill.


Foreman

Filed in open court this 31st day of
January, 2008

Clerk

Bail, \$ No bail request overr. 1/31/08


FILED
2008 JAN 31 PM 12:50
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED

2008 JAN 31 PM 12:50

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
FRANCISCO JAVIER GUTIERREZ-)
TORRES,)
)
Defendant.)

No. **CR08-0046 CW**

VIOLATION: 8 U.S.C. §§ 1326(a) and (b) –
Deported Alien Found in the United States

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

1. Prior to February 10, 2007, the defendant, FRANCISCO JAVIER GUTIERREZ-TORRES, was convicted of at least one felony crime punishable by a term of imprisonment exceeding one year.

2. On or about February 10, 2007, the defendant, FRANCISCO JAVIER GUTIERREZ-TORRES, was removed, excluded, and deported from the United States.

3. After February 10, 2007, the defendant, FRANCISCO JAVIER GUTIERREZ-TORRES, knowingly and voluntarily reentered and remained in the United States.

4. On or about April 10, 2007, in the Northern District of California, the defendant,

INDICTMENT

1 FRANCISCO JAVIER GUTIERREZ-TORRES, an alien, was found in the United States without
2 having obtained the express consent of the Attorney General or the Secretary of the Department
3 of Homeland Security to reapply for admission into the United States, in violation of Title 8,
4 United States Code, Sections 1326(a) and (b).

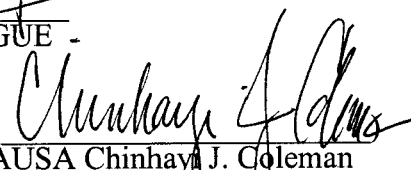
5
6 DATED: January 31, 2008

A TRUE BILL.

7
8 
9 FOREPERSON

10 JOSEPH P. RUSSONIELLO
11 United States Attorney

12 
13 W. DOUGLAS SPRAGUE
14 Chief, Oakland Branch

(Approved as to form: 

AUSA Chinhay J. Coleman

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INDICTMENT